

DEVIN DERHAM-BURK #104353  
CHAPTER 13 STANDING TRUSTEE  
DEVIN L. PACE #256514  
NANETTE DUMAS #148261  
JANE Z. BOHRER #243692  
P O BOX 50013  
SAN JOSE, CA 95150-0013

Telephone: (408) 354-4413  
Facsimile: (408) 354-5513

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA - DIVISION 5**

**IN RE:**

DELTE, JEFFREY CARL

Debtor.

**CHAPTER 13 CASE NO. 13-50813 ASW**

**MOTION TO DISMISS FOR NON-  
PAYMENT (PRE-CONFIRMATION)  
PURSUANT TO 11 U.S.C. §1307(c)(1)**

Hearing Date: not set

Hearing Time: not set

Judge: Hon. Arthur S. Weissbrodt

Devin Derham-Burk, Chapter 13 Standing Trustee moves this Court for an Order  
Dismissing the Case pursuant to 11 U.S.C. §1307(c)(1) as follows:

1. The debtor filed a Chapter 13 petition on February 12, 2013. [Docket #1]. Devin  
Derham-Burk is duly appointed Chapter 13 Trustee in this matter ("Trustee").

1           2. The Trustee requests that the case be dismissed for unreasonable delay by the debtor  
2 that is prejudicial to creditors pursuant to 11 U.S.C. §1307(c)(1). In addition, the debtor's plan  
3 may not be feasible pursuant to 11 U.S.C. §1325(a)(6).

4           3. The latest proposed Chapter 13 plan calls for monthly payments of \$1,561 [Docket  
5 #4]. As of the date of this motion, the debtor's plan payments are four (4) months in arrears; in  
6 other words, the debtor is current on plan payments only through March 2013.

7           4. The following chart summarizes the delinquency as of the date of this motion, and the  
8 amount that must be paid to bring the debtor current under the plan:  
9

Monthly Plan Payment	\$1,561.00
Months currently in arrears	4
Amount needed to bring current through July 2013	\$6,244.00
Additional payments coming due prior to the deadline for opposing this motion	\$1,531.00
<b>Total Payment Required by Deadline</b>	<b>\$7,805.00</b>

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11  
12  
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14  
15 Payment must be received by the Trustee, or faxed evidence of payment from an attorney must  
16 be received by the Trustee, no later than September 6, 2013.

17  
18 This Motion is supported by the Declaration of the Trustee filed herewith.

19 WHEREFORE, the Trustee respectfully requests that this Court dismiss this case without  
20 prejudice to re-filing.

21  
22  
23 Dated: August 15, 2013

/s/ Nanette Dumas  
Attorney for Devin Derham-Burk  
Chapter 13 Standing Trustee